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Attorneys for Plaintiff, DANIEL RODRIGUEZ

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

DANIEL RODRIGUEZ,

Plaintiff,

v.

SAN MATEO COUNTY TRANSIT  
DISTRICT; COUNTY OF SAN  
MATEO; and DOES 1 through 100,  
inclusive,

Defendants.

CASE NO.: 3:20-cv-00437-RS

Hon. Richard Seeborg, Courtroom 3

**STIPULATION TO REMAND  
REMOVED ACTION; ORDER**

Superior Complaint filed: November 8, 2019  
Removal: January 21, 2020

**TO THIS HONORABLE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA AND TO THE HONORABLE RICHARD  
SEEBORG:**

DANIEL RODRIGUEZ ("Plaintiff") and SAN MATEO COUNTY TRANSIT DISTRICT  
("Defendant") stipulate as follows:

1. On November 8, 2019, Plaintiff filed a Complaint in the Superior Court of  
California, County of San Mateo, entitled: *DANIEL RODRIGUEZ v. SAN MATEO COUNTY*

1 *TRANSIT DISTRICT; COUNTY OF SAN MATEO; and DOES 1 through 100, inclusive*, Case No.  
2 19-CIV-06667 (hereinafter the “Action”).

3 2. On January 6, 2020, Plaintiff dismissed without prejudice named Defendant  
4 County of San Mateo.

5 3. On January 21, 2020, Defendant San Mateo County Transit District filed its  
6 Answer to the Complaint in the California Superior Court for San Mateo County.

7 4. On January 21, 2020, Defendant San Mateo County Transit District filed a notice  
8 of removal of the Action pursuant to U.S.C. sections 1331, 1441 and 1446 based upon the  
9 presence of a claim based upon the Americans with Disabilities Act (42. U.S.C. section 12101)  
10 with the United States District Court for the Northern District of California.

11 5. On January 27, 2020, Defendant completed the removal process by filing a  
12 conformed copy of the notice of removal with the Superior Court of California, County of San  
13 Mateo.

14 6. The Parties met and conferred on January 30, 2020. During the Parties’ discussion,  
15 Plaintiff’s counsel indicated to counsel for Defendant San Mateo County Transit District that  
16 Plaintiff’s Complaint inadvertently referenced the Americans with Disabilities Act. Plaintiff only  
17 intended to bring the action pursuant to California Fair Employment and Housing Act (FEHA),  
18 *Government Code* §§12920-12940, *et seq.* Plaintiff did not intend to include a cause of action  
19 pursuant to the American with Disabilities Act and it was inadvertently mentioned in the  
20 Complaint.

21 7. During the Parties’ discussion on January 30, 2020, counsel for Defendant San  
22 Mateo County Transit District indicated that Defendant would be willing to stipulate to remanding  
23 the case back to the California Superior Court for San Mateo County so long as Defendant was  
24 provided an opportunity to review Plaintiff’s First Amended Complaint prior to filing the First  
25 Amended Complaint in this Court.

26 8. On January 30, 2020, Plaintiff’s counsel provided counsel for Defendant San  
27 Mateo County Transit District with a copy of Plaintiff’s First Amended Complaint.

28 9. On February 4, 2020, counsel for Defendant indicated that Defendant would not



1 oppose Plaintiff's filing of the First Amended Complaint and given that Plaintiff deleted the only  
2 federal claim, Defendant would agree to stipulate to remand the action to state court.

3 10. On February 5, 2020, Plaintiff filed his First Amended Complaint in this Court.

4 11. The Parties hereby stipulate that the Action be remanded to California Superior  
5 Court for San Mateo County.

6 12. The Parties hereby stipulate that Defendant has 30 days after the United States  
7 District Court Northern District of California enters its Order to Remand to file its response to the  
8 First Amended Complaint.

9 13. The Parties further stipulate that each party shall bear its own attorneys' fees and  
10 costs with respect to the removal and subsequent remand of the Action pursuant to this stipulation  
11 and order.

12  
13 DATED: February 10, 2020

Respectfully submitted,

14 **SCOLINOS, SHELDON & NEVELL**

15  
16 By /s/ Todd F. Nevell  
17 TODD F. NEVELL  
18 Attorneys for Plaintiff, DANIEL  
RODRIGUEZ

19 DATED: February 10, 2020

**HANSON BRIDGETT LLP**

20  
21 By /s/ Gimmel M. Trembly  
22 GYMMEL M. TREMBLY  
23 Attorneys for Defendant, SAN MATEO  
24 COUNTY TRANSIT DISTRICT  
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On February 10, 2020, I served a true copy of the within:

on the interested parties in this action by placing a true copy thereof:

Diane Marie O'Malley, Esq.  
Gymmel M. Trembly, Esq.  
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*Attorneys for Defendant, San Mateo  
County Transit District*

I certify and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the Bar of this court at whose direction the service was made.

Executed on February 10, 2020, at Pasadena, California.

Abaigeal A. Loving